



PATENT
Attorney Docket 040750-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ivan Gout et al.**) Group Art Unit: **1652**
Application No. **09/762,258**)
Filed: **May 29, 2001**) Examiner: **Delia M. Ramirez**
For: **Identification and functional characterization of**) Allowed: **August 5, 2004**
a novel ribosomal S6 protein kinase) Confirmation No. **2842**

Mail Stop Issue Fee

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

1. Transmitted herewith is the Issue Fee Transmittal (PTOL-85B).
2. Additional Papers Submitted:
(i) Comments on Statement of Reasons for Allowance;
3. Fee Payment: The Commissioner is hereby authorized to charge **\$694.00** to Deposit Account No. 50-0310 for payment of the Issue Fee (\$685.00) and three additional soft copies of patent (\$9.00).
4. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 5, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Robert Smyth
Registration No. 50,801



PATENT
Attorney Docket 040750-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ivan Gout et al.**) Group Art Unit: **1652**
)
Application No. **09/762,258**) Examiner: **Delia M. Ramirez**
)
Filed: **May 29, 2001**) Allowed: **August 5, 2004**
)
For: **Identification and functional characterization of**) Confirmation No. **2842**
a novel ribosomal S6 protein kinase)

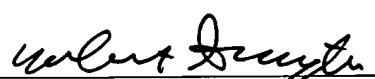
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Statement of Reasons for the Indication of Allowable Subject matter in the Notice of Allowability dated August 5, 2004 the following comments are submitted under 37 C.F.R. 1.104(e).

While Applicants believe that the claims are allowable and patentably distinguishable over the prior art, Applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims, nor that each and every feature is required for patentability. Applicants submit that patentability is based on the claimed invention as a whole, and not solely on one or more particular features recited in the allowed claims.

Dated: **November 5, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801